

RECOGNIZING THE IMPORTANCE OF INHERITANCE RIGHTS OF
WOMEN IN AFRICA; AND RELATING TO EFFORTS OF THE
PEACE PARKS FOUNDATION IN THE REPUBLIC OF SOUTH
AFRICA TO FACILITATE THE ESTABLISHMENT AND
DEVELOPMENT OF TRANSFRONTIER CONSERVATION IN
SOUTHERN AFRICA

MARKUP

BEFORE THE
SUBCOMMITTEE ON AFRICA
OF THE

COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

ON

H. Con. Res. 421 and H. Con. Res. 287

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CONTENTS

	Page
Markup of H. Con. Res. 421, Recognizing the importance of inheritance rights of women in Africa	1
The Honorable Edward R. Royce, a Representative in Congress from the State of California, and Chairman, Subcommittee on Africa: Prepared statement regarding H. Con. Res. 421	2
Text of H. Con. Res. 421	3
Markup of H. Con. Res. 287, Expressing the sense of Congress relating to efforts of the Peace Parks Foundation in the Republic of South Africa to facilitate the establishment and development of transfrontier conservation efforts in southern Africa	7
The Honorable Edward R. Royce: Prepared statement regarding H. Con. Res. 287	8
Text of H. Con. Res. 287	9

**RECOGNIZING THE IMPORTANCE OF INHERITANCE RIGHTS
OF WOMEN IN AFRICA; AND RELATING TO EFFORTS OF
THE PEACE PARKS FOUNDATION IN THE REPUBLIC OF
SOUTH AFRICA TO FACILITATE THE ESTABLISHMENT AND
DEVELOPMENT OF TRANSFRONTIER CONSERVATION IN
SOUTHERN AFRICA**

TUESDAY, JULY 23, 2002

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to call, at 2:13 p.m. in Room 2172, Rayburn House Office Building, Hon. Edward R. Royce presiding.

Mr. ROYCE. Good afternoon. We are here today for the markup of Resolutions 421 and 287.

The Africa Subcommittee has spent considerable time looking at how to promote economic development in Africa. This challenge has many facets. Issues surrounding the status of women in African societies—women are the continent’s economic backbone—will be key in determining whether Africans will move forward or backward economically in the years ahead. One of these issues that has received scant attention is the inheritance rights of women, the subject of H. Con. Res. 421.

Control over housing, land, and other property, this resolution notes, is critical to the physical safety, daily survival, and economic security of women in Africa. Unfortunately, many widows and their dependents in Africa face severe challenges because they have no claim to their property after the death of their husbands. Throughout Africa, customary and religious laws under which widowed women do not inherit housing and land traditionally have regulated property rights. While some African countries have changed these laws on the books, in practice these changes have had minimal impact on women’s inheritance rights.

The issue of women’s inheritance rights is all the more pressing given the HIV/AIDS pandemic. HIV/AIDS tragically has led to an explosion in the number of widows, as well as in the number of grandmothers and orphaned girls becoming the heads of households. Stripped of already meager means, these women face especially dire circumstances.

H. Con. Res. 421 encourages the U.S. to pay greater attention to the negative economic impact of the denial of inheritance rights to women on the continent. This resolution recommends that the Secretary of State examine this issue in the department’s annual human rights report and encourages USAID to document the effect

the denial of women's inheritance rights has on economic development. This resolution has an impressive 86 co-sponsors. I ask my colleagues to lend it their strong support.

We will now hear from Ranking Member Donald Payne.
[The prepared statement of Mr. Royce follows:]

PREPARED STATEMENT OF THE HONORABLE EDWARD R. ROYCE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRMAN, SUBCOMMITTEE ON AFRICA

RECOGNIZING THE IMPORTANCE OF INHERITANCE RIGHTS OF WOMEN IN AFRICA

The Africa Subcommittee has spent considerable time looking at how to promote economic development in Africa. This challenge has many facets. Issues surrounding the status of women in African societies—women are the continent's economic backbone—will be key in determining whether Africans will move forward or backward economically in the years ahead. One of these issues that has received scant attention is the inheritance rights of women, the subject of H. Con Res. 421.

Control over housing, land and other property, this resolution notes, is critical to the physical safety, daily survival, and economic security of women in Africa. Unfortunately, many widows and their dependents in Africa face severe challenges because they have no claim to their property after the death of their husbands. Throughout Africa, customary and religious laws under which widowed women do not inherit housing and land traditionally have regulated property rights. While some African countries have changed these laws on the books, in practice these changes have had minimal impact on women's inheritance rights.

The issue of women's inheritance rights is all the more pressing given the HIV/AIDS pandemic. HIV/AIDS tragically has led to an explosion in the number of widows, as well as in the number of grandmothers and orphaned girls becoming the heads of households. Stripped of already meager means, these women face especially dire circumstances.

H. Con. Res. 421 encourages the U.S. to pay greater attention to the negative economic impact of the denial of inheritance rights to women on the continent. This resolution recommends that the Secretary of State examine this issue in the department's annual human rights report, and encourages USAID to document the effect the denial of women's inheritance rights has on economic development. This Resolution has an impressive 86 co-sponsors. I ask my colleagues to lend it their strong support.

[H. Con. Res. 421 follows:]

107TH CONGRESS
2D SESSION

H. CON. RES. 421

Recognizing the importance of inheritance rights of women in Africa.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2002

Mrs. CLAYTON (for herself, Ms. MILLENDER-MCDONALD, Mrs. BIGGERT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Mrs. MORELLA, Mr. PAYNE, Mr. LANTOS, Ms. KILPATRICK, Mr. RUSH, Mrs. CHRISTENSEN, Ms. WATERS, Mr. KILDEE, Ms. CARSON of Indiana, Ms. WATSON of California, Ms. DELAURO, Ms. MCKINNEY, Mrs. MINK of Hawaii, Ms. SOLIS, Ms. VELÁZQUEZ, Mrs. CAPPS, Mr. FARR of California, Mr. KLECZKA, Mr. STARK, Ms. KAPTUR, Mrs. THURMAN, Mr. LEWIS of Georgia, Mr. LEVIN, Mr. SCOTT, Ms. LEE, Mrs. NAPOLITANO, Mr. BERRY, Mrs. EMERSON, Mrs. MALONEY of New York, Mr. BARRETT of Wisconsin, Mr. CONYERS, Mrs. MEEK of Florida, Mr. CLYBURN, Mr. HOLDEN, Ms. BERKLEY, Mr. RANGEL, Mr. ROEMER, Mr. DAVIS of Illinois, Mr. RODRIGUEZ, Mr. HOFFEL, Mr. EDWARDS, Mr. HONDA, Ms. SLAUGHTER, Mr. DOGGETT, Mr. SANDLIN, Ms. PELOSI, Mr. DAVIS of Florida, Mr. PHELPS, Mr. FRANK, Mr. SPRATT, Mr. HILLIARD, Ms. MCCOLLUM, Mr. MALONEY of Connecticut, Mr. TIERNEY, Mr. ANDREWS, Mr. SHAYS, Mr. GEORGE MILLER of California, Ms. BROWN of Florida, Mr. MCGOVERN, Mr. WYNN, Mr. GILMAN, Mr. BEREUTER, Mr. LEWIS of California, Ms. PRYCE of Ohio, Mrs. JOHNSON of Connecticut, Ms. DUNN, Mr. KOLBE, Mr. PORTMAN, Mr. BISHOP, Mr. FATTAH, Mr. POMEROY, Mr. EVANS, Mrs. BONO, Mr. TURNER, Mr. WATTS of Oklahoma, Mr. GREENWOOD, Mr. BOOZMAN, Mr. ENGEL, and Mr. SNYDER) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Recognizing the importance of inheritance rights of women
in Africa.

Whereas access to and control over land, housing, and property is one of the most critical factors in the overall struggle for women's equality in gender relations and empowerment, as it is essential to women's daily survival, economic security, and physical safety;

Whereas in many regions of the world, and particularly throughout the African continent, land and housing have traditionally been regulated by customary law under which widowed women do not inherit land and housing but are allowed to remain in the matrimonial home until death or remarriage;

Whereas over the past several decades, this social safety net has eroded drastically, creating a human rights crisis of enormous magnitude;

Whereas, in some cases, religious law also plays a role in restricting women's right to inherit;

Whereas statutory laws in some African countries have superseded customary and religious laws restricting women's right to inherit, but nonetheless have had minimal impact on actual practice;

Whereas the denial of inheritance rights to women devastates the lives of millions of women who become completely destitute upon the death of their husbands, when the family of the deceased husband often takes immediate possession of the land, housing, and property;

Whereas the result is not only extreme poverty for individual women and their dependents, but a profound, negative impact on the social and economic development of countries in Africa;

Whereas the HIV/AIDS pandemic has resulted in the exponential growth in the number of young widows, orphaned

girls, and grandmothers becoming heads of households and has led to the urgent need for secure inheritance rights for women;

Whereas this phenomenon has been exacerbated by the horrific conflicts that have gripped many African countries in recent years, in the aftermath of which there is usually an increase in female-headed households; and

Whereas the denial of inheritance rights also results in violence against women, both at the time when they are forcibly dispossessed and after they become homeless: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that—

3 (1) greater attention should be paid to the
4 strong relationship between the denial of inheritance
5 rights to women and its negative impact on eco-
6 nomic development, particularly in Africa;

7 (2) when considering responses to the HIV/
8 AIDS epidemic, programs that focus sharply on en-
9 suring secure inheritance rights to widows and or-
10 phans of HIV/AIDS should be carefully considered;

11 (3) ensuring secure inheritance rights for
12 women should be included in strategies addressing
13 the issue of violence against women;

14 (4) in post-conflict and reconstruction situa-
15 tions, the rights of widows and other female heads

1 of households to inherit land and property should be
2 included in the priorities of reconstruction;

3 (5) the Secretary of State should examine the
4 issue of women's inheritance rights in Africa in the
5 annual human rights report of the Department of
6 State;

7 (6) the United States Agency for International
8 Development should consider conducting a study of
9 African countries in order to document and establish
10 the effect of the denial of women's inheritance rights
11 on economic development of those countries; and

12 (7) the Annual Day of Action on Women's In-
13 heritance Rights, initiated in 1999 by the Inter-
14 national Human Rights Law Group and imple-
15 mented over the past three years by nongovern-
16 mental organizations throughout many countries in
17 Africa, should be acknowledged and supported.

○

Mr. PAYNE. Thank you, Mr. Chairman. Mr. Chairman, again I commend my colleagues and would like to say a few words on this second important resolution that brings long overdue attention to the devastating effects of discriminatory inheritance rights practices on women and children in Africa and the need to recognize inheritance rights of women.

There are still customary inheritance practices that deny women their right to inherit land and other property. These practices persist despite the presence of statutory laws in most countries that provide at least limited protection of women's rights to inherit and result in millions of women and children being paupers.

AIDS has exacerbated the problems women face with regard to property and inheritance rights. Due to AIDS, the number of women that are widowed at a young age has increased, and many women face an early death themselves. If they have been blamed for the HIV infection of their husband, it happens that women are driven out of the family after his death. Their own family may not always be in a position to take care of them because of their own problems to secure their livelihood or be unwilling to take them in because of the stigma.

Without access to land or other means of production, women face great difficulties in supporting themselves and their children. This resolution brings this important issue to the fore.

Mr. ROYCE. Thank you, Congressman Payne. The next resolution we will take up, Resolution 287, addresses the efforts of the Peace Parks Foundation in the Republic of South Africa to facilitate the establishment and development of trans-frontier conservation efforts in southern Africa.

It is not news that Africa's environment is under siege. The continent's magnificent range of flora and fauna are under pressure as never before. If adverse ecological trends continue, Africans will suffer in many ways, including economically. Managed well, these resources can be a sustainable economic asset. The wanton destruction of plants and animals and natural habitat will affect all of us. We have a strong interest in seeing Africa's environment better managed.

Nature preserves have a mixed record of success. Poachers and resource shortages have frustrated environmental protection, and there has been a lack of cooperation among governments.

This resolution encourages support for the Peace Parks Foundation in South Africa. The foundation promotes trans-frontier conservation efforts among the Southern African Development Community (SADC) countries. Wildlife does not recognize national borders; wildlife conservation efforts must transcend borders in Africa. In May 2000, southern Africa's first peace park, the Kgalagadi Trans-Frontier Park, situated between Namibia, Botswana, and South Africa, was officially opened. Since then, five more peace parks have been established in southern Africa.

This resolution is a product of travel to the region by several Members. I ask my colleagues to lend it their strong support.

[The prepared statement of Mr. Royce follows:]

PREPARED STATEMENT OF THE HONORABLE EDWARD R. ROYCE, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRMAN, SUBCOMMITTEE ON
AFRICA

EFFORTS OF THE PEACE PARKS FOUNDATION IN THE REPUBLIC OF SOUTH AFRICA TO
FACILITATE THE ESTABLISHMENT AND DEVELOPMENT OF TRANS-FRONTIER CONSERVA-
TION EFFORTS IN SOUTHERN AFRICA.

It is not news that Africa's environment is under siege. The continent's magnificent range of flora and fauna are under pressure as never before. If adverse ecological trends continue, Africans will suffer in many ways, including economically. Managed well, these resources can be a sustainable economic asset. The wanton destruction of plants and animals and natural habitat will affect all of us. We have a strong interest in seeing Africa's environment better managed.

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This resolution is a product of travel to the region by several members. I ask my colleagues to lend it their strong support.

[H. Con. Res. 287 follows:]

107TH CONGRESS
1ST SESSION

H. CON. RES. 287

Expressing the sense of Congress relating to efforts of the Peace Parks Foundation in the Republic of South Africa to facilitate the establishment and development of transfrontier conservation efforts in southern Africa.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 2001

Mr. BOEHLERT (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FALCONE, Mr. CUMMINGS, Mr. LANTOS, Ms. LEE, Mr. MALONEY of Connecticut, Ms. MILLENDER-MCDONALD, Mr. OWENS, Mr. SANDERS, Mr. WATT of North Carolina, and Mr. WYNN) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing the sense of Congress relating to efforts of the Peace Parks Foundation in the Republic of South Africa to facilitate the establishment and development of transfrontier conservation efforts in southern Africa.

Whereas on February 1, 1997, the Peace Parks Foundation was established in the Republic of South Africa as a non-profit company to facilitate the establishment of transfrontier conservation areas in the Southern African Development Community (SADC) countries;

Whereas the overall purpose of the Peace Parks Foundation is to facilitate the establishment and development of transfrontier areas involving two or more countries with-

out compromising national sovereignty, and allowing the free movement of humankind and animals across international borders within the peace park and thereby contributing to economic development, job creation, and peace and understanding between the countries concerned;

Whereas former South African President Nelson Mandela is a patron emeritus of the Peace Parks Foundation and the heads of state of the SADC countries are honorary patrons of the Foundation;

Whereas the Peace Parks Foundation has received the full support and endorsement for its efforts and activities from the heads of state of the SADC countries;

Whereas eight transfrontier conservation areas totaling approximately 232,000 square miles are supported by the Peace Parks Foundation in the SADC countries; and

Whereas the United States values peace and stability in the global community, and in particular Africa, and has long recognized the significance of sustainable economic development and the conservation of biodiversity: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that—

3 (1) the United States should support efforts to
4 facilitate the establishment and development of
5 transfrontier conservation areas in the Southern Af-
6 rican Development Community (SADC) countries;
7 and

1 (2) nongovernmental organizations and founda-
2 tions in the United States should be encouraged to
3 support and promote sustainable economic develop-
4 ment and benefits through the preservation of wild-
5 life in peace parks on an expanded and inclusive
6 basis to the benefit of the countries concerned and
7 their people.

○

Mr. PAYNE. Thank you, Mr. Chairman. I commend my colleagues for introducing this resolution that encourages peace and development between the countries of southern Africa. The peace parks initiative deserves support because its founding principles address the root of the problem in Africa: poverty. Moreover, its economic potential is the mechanism for Africans to help themselves by using natural resources without destroying biodiversity. These peace parks provide the opportunity to build a market for tourism, create jobs, and reduce tension over resources that could lead to violence. We should ensure sustainable economic growth, based on ecotourism, among other things, which is the fastest growing industry in the world. Then will the people of Africa and elsewhere have reason to protect their natural assets. Thank you.

Mr. ROYCE. Thank you. Congressman Flake?

Mr. FLAKE. Thank you, Mr. Chairman. I also thank the Chairman for all of his efforts resulting in these two resolutions.

Mr. ROYCE. If there are not any other matters to address, we will vote on these resolutions. All in favor say aye.

Mr. FLAKE. Aye.

Mr. PAYNE. Aye.

Mr. ROYCE. That completes our hearing. We are now adjourned. [Whereupon, at 2:20 p.m., the Subcommittee was adjourned.]

